

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROCKIES EXPRESS PIPELINE LLC,)
a Delaware limited liability company) Case No. 07CV03112
)
Plaintiff,)
)
)
THE COUNTY OF LINCOLN, NEBRASKA) **STIPULATED ORDER FOR**
and THE JOINT PLANNING COMMISSION) **PERMANENT INJUNCTION**
OF LINCOLN COUNTY, NEBRASKA)
)
Defendants)

IT IS HEREBY STIPULATED BY THE PARTIES AND ORDERED BY THE
COURT AS FOLLOWS:

Plaintiff Rockies Express Pipeline LLC ("Rockies Express") received from the Federal Energy Regulatory Commission ("FERC") a Certificate of Public Convenience and Necessity authorizing Rockies Express to construct an interstate natural gas pipeline through Nebraska, including Lincoln County, Nebraska. The construction of Interstate natural gas pipelines is overseen exclusively by FERC. Rockies Express is required to construct and operate the pipeline pursuant to the conditions contained in the FERC Certificate.

ACCORDINGLY, the parties hereby agree to the entry of this Order for Permanent Injunction, and the Court finds good cause for the entry of this Order.

IT IS, THEREFORE, ORDERED AS FOLLOWS:

The Defendants, and each of them, together with their employees and agents, are herewith permanently enjoined from the following:

1. Enforcing any zoning ordinance, resolution or conditional use permit which sets cover requirements for Rockies Express natural gas pipeline, including the depth of cover requirement contained in the Conditional Use Permit, File No. CU07-003 issued on or about March 13, 2007 (the "Permit").
2. Enforcing any zoning ordinance, resolution or Conditional Use Permit which sets safety conditions for the Rockies Express natural gas

pipeline to be constructed in Lincoln County, Nebraska, including a requirement to submit a safety control plan, except that Rockies Express shall provide flagmen during construction of its natural gas pipeline through Lincoln County, Nebraska. Flagmen are required for all Lincoln County Roads and public roads maintained by Lincoln County located east of Highway 83 which are used by Plaintiff, its contractors, or subcontractors to haul pipe for the natural gas pipeline where the visibility of the entire width of the road (when viewing from the road) is less than one-eighth of one mile (220 yards).

DATED this 25th day of May, 2007.

By The Court:

s/ Richard G. Kopf

Richard G. Kopf
UNITED STATES DISTRICT COURT

Stipulated and Agreed:

ROCKIES EXPRESS PIPELINE, LLC
Plaintiff

s/s Joseph E. Jones
Joseph E. Jones, #15970
Roger L. Shifermiller, #19127
Russell A. Westerhold, #22498
Fraser Stryker PC LLO
500 Energy Plaza
409 South 17th Street
Omaha, NE 68102
(402) 341-6000
ITS ATTORNEYS

THE COUNTY OF LINCOLN, NEBRASKA
and THE JOINT PLANNING COMMISSION OF LINCOLN COUNTY,
NEBRASKA,
Defendants.

s/s Joe W. Wright

Joe W. Wright, #16089
Attorney for the Defendants & Lincoln County
Board
Deputy Lincoln County Attorney
301 North Jeffers, Suite 101A
North Platte, NE 69101
(308) 534-4350

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